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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/829,402 | 04/22/2004 | Issei Harima | 740630-78 | 5424 |
| 22204 | 7590 | 01/07/2005 | EXAMINER | |
| NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128 | | | COLETTA, LORI L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3612 | |

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,402

Applicant(s)

HARIMA ET AL.

Examiner

Lori L. Coletta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04222004&10222004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **forming beads at least in peripheral parts of the spare tire storage space** (claim 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. **The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures.** If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by McLeod et al. 6,703,261.

Regarding claim 1, McLeod et al. '261 discloses a resin-made floor panel structure applied in a vehicle floor comprising a floor panel (18) made of resin (column 4, lines 30-54), and trunk board (44) made of resin disposed so as to cover the floor panel, wherein a foamed layer (55) having foams exposed at least in part is provided only on the side of the truck board (44) facing the floor panel (18) in Figure 4.

Regarding claim 2, McLeod et al. '261 discloses the resin-made floor panel structure, wherein the foamed layer (55), which exposed foams has the foams exposed partly in Figure 4.

Regarding claim 3, McLeod et al. '261 discloses the resin-made floor panel structure, wherein the foamed layer (55) with partly exposed foams includes exposed foams and foams covered with skin layer, which are combined depending on the frequency band determined as the object of attenuation in Figure 4.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-15 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over McLeod et al. 6,793,261.

Regarding claim 4, McLeod et al. '261 discloses a resin-made floor panel structure applied in a vehicle floor comprising a floor panel (18) made of resin (column 4, lines 30-54), and trunk board (44) made of resin disposed so as to cover the floor panel, wherein a foamed layer (52) having foams exposed at least in part is provided in Figure 4 except for the foamed layer on the side of the floor panel facing the truck board.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to put the foamed layer on the side of the floor panel facing the trunk board, since it has been held that a mere reversal of parts of a device involves only routine skill in the art.

Regarding claims 5, 8, 11 and 14, McLeod et al. '261 discloses the resin-made floor panel structure, wherein the foamed layer (52), which exposed foams has the foams exposed partly in Figure 4.

Regarding claims 6, 9, 12 and 15, McLeod et al. '261 discloses the resin-made floor panel structure, wherein the foamed layer (52) with partly exposed foams includes exposed foams and foams covered with skin layer, which are combined depending on the frequency band determined as the object of attenuation in Figure 4.

Regarding claim 7, McLeod et al. '261 discloses a resin-made floor panel structure applied in a vehicle floor comprising a floor panel (18) made of resin (column 4, lines 30-54) integrally forming a spare tire storage space, and trunk board (44) made of resin disposed so as to cover the floor panel, wherein the rigidity of the floor panel is set so that the spare tire storage space may vibrate by priority when the floor panel vibrates, and a formed layer (52) having foams exposed at least in part is provided except for a formed layer on the side of the spare tire storage space facing the trunk board.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to put the foamed layer on the side of the spare tire storage space facing the trunk board, since it has been held that a mere reversal of parts of a device involves only routine skill in the art.

Regarding claim 10, McLeod et al. '261 discloses the resin-made floor panel structure, wherein rigidity of the floor panel (18) is set by forming beads (42) at least in peripheral parts of the spare tire storage space in Figure 1.

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Regarding claim 13, McLeod et al. '261 discloses a resin-made floor panel structure applied in a vehicle floor comprising a floor panel (18) made of resin integrally forming a spare tire storage space, and a trunk board (44) made of resin disposed so as to cover the floor panel, wherein a foamed layer (55) having foams exposed at least in part is provided only on the side of the trunk board facing the spare tire storage space, and a foamed layer having foams covered with a skin is provided except for a foamed layer on the side of the spare tire storage space facing the trunk board.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to put the foamed layer on the side of the spare tire storage space facing the trunk board, since it has been held that a mere reversal of parts of a device involves only routine skill in the art.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

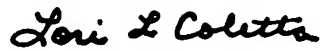
The cited references show several other floor panel structures similar to that of the current invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
December 4, 2004